

The Hon. Kymberly K. Evanson

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
EDWARD JAMES CREED,  
Defendant.

NO. CR24-103-KKE

## **PRELIMINARY ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Edward James Creed's interest in the following property (the "Subject Property"):

a. One Samsung phone, seized from Defendant's residence in Des Moines, Washington, on or about March 28, 2024.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The Subject Property is forfeitable pursuant to 18 U.S.C. § 2253(a), as property that was used to commit or to facilitate Defendant's commission

1           of *Possession of Child Pornography*, in violation of 18 U.S.C.

2           §§ 2252(a)(4)(B) and (b)(2); and,

3           • In the Plea Agreement he entered on July 30, 2024, Defendant agreed to  
4           forfeit his interest in the Subject Property pursuant to 18 U.S.C. § 2253(a).  
5           Dkt. No. 24, ¶ 12.

6           NOW, THEREFORE, THE COURT ORDERS:

7           1) Pursuant to 18 U.S.C. § 2253(a), and his Plea Agreement, Defendant's  
8           interest in the Subject Property is fully and finally forfeited, in its entirety, to the United  
9           States;

10          2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) – (B), this Preliminary Order  
11          will be final as to Defendant at the time he is sentenced, it will be made part of the  
12          sentence, and it will be included in the judgment;

13          3) The United States Department of Homeland Security, United States  
14          Customs and Border Protection (CBP) and/or their authorized agents or representatives,  
15          shall maintain the property in their custody and control until further order of this Court.  
16          CPB shall destroy any prohibited images unless they have been destroyed already or will  
17          be retained for official, investigative use, as permitted by 21 U.S.C §§ 853(i) and 881(e);

18          4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
19          United States shall publish notice of this Preliminary Order and its intent to dispose of the  
20          property as permitted by governing law. The notice shall be posted on an official  
21          government website – currently www.forfeiture.gov – for at least thirty (30) days. For  
22          any person known to have alleged an interest in this property, the United States shall, to  
23          the extent possible, provide direct written notice to that person. The notice shall state that  
24          any person, other than Defendant, who has or claims a legal interest in the property must  
25          file a petition with the Court within sixty (60) days of the first day of publication of the  
26          notice (which is thirty (30) days from the last day of publication), or within thirty (30)

1 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
2 interested persons that the petition:

- 3 a. shall be for a hearing to adjudicate the validity of the petitioner's  
4 alleged interest in the property;
- 5 b. shall be signed by the petitioner under penalty of perjury; and,
- 6 c. shall set forth the nature and extent of the petitioner's right, title, or  
7 interest in the property, as well as any facts supporting the petitioner's  
8 claim and the specific relief sought.

9 5) If no third-party petition is filed within the allowable time period, the  
10 United States shall have clear title to the property, and this Preliminary Order shall  
11 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

12 6) If a third-party petition is filed, upon a showing that discovery is necessary  
13 to resolve factual issues it presents, discovery may be conducted in accordance with the  
14 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
15 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
16 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
17 adjudication; and,

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1           7) The Court will retain jurisdiction for the purpose of enforcing this  
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
4 Fed. R. Crim. P. 32.2(e).

## 6 | IT IS SO ORDERED.

8 DATED this 17th day of October, 2024.

Kimberly K. Dawson

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THE HON. KYMBERLY K. EVANSON  
UNITED STATES DISTRICT JUDGE

## Presented by:

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